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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

INDIGENOUS ENVIRONMENTAL
NETWORK and NORTH COAST RIVERS
ALLIANCE,

Plaintiffs,

vs.

UNITED STATES DEPARTMENT OF
STATE, et al.,

Federal Defendants,

Civ. No. 4:17-cv-00029-BMM

**PLAINTIFFS'
SUPPLEMENTAL
AUTHORITY IN
OPPOSITION TO
DEFENDANTS' MOTIONS
TO DISMISS**

Hearing: October 11, 2017
Time: 1:30 p.m.

Judge: Hon. Brian M. Morris

and
TRANSCANADA KEYSTONE PIPELINE
and TRANSCANADA CORPORATION,
Defendant-Intervenors.

TO THE ABOVE-ENTITLED COURT AND TO ALL PARTIES HEREIN:

PLEASE TAKE NOTICE that subsequent to plaintiffs’ filing of their Memorandum of Points and Authorities in Opposition to Federal Defendants’ Motion to Dismiss and TransCanada’s Motion to Dismiss on July 14, 2017, Westlaw assigned a citation number to a district court ruling issued January 30, 2017 that expanded the scope of a previous ruling by the same district court that plaintiffs had cited in their July 14, 2017 Opposition, *Protect Our Communities Foundation v. Chu*, 2014 WL 1289444 (S.D. Cal. No. 3:12-cv-03062-L-JLB, Mar. 27, 2014).

The new case citation which plaintiffs wish to bring to this Court’s attention is *Backcountry Against Dumps, et al. v. United States Department of Energy, et al.*, Case No. 3:12-cv-03062-L-JLB (S.D. Cal. Jan. 30, 2017), “Order Granting Plaintiffs’ Motion for Summary Judgment and Denying Defendants’ Cross-Motion for Summary Judgment”), 2017 WL 2988273. The relevant discussion appears on pages 6-10 of the Slip Opinion (2017 WL 2988273**3-4), wherein the court ruled

that a presidential permit issued by the Department of Energy (“DOE”) was subject to the National Environmental Policy Act, 42 U.S.C. § 4321 et seq. (“NEPA”), and that “[u]nder NEPA, DOE had a duty to prepare an environmental impact statement (“EIS”) stemming from the action authorized by [the Presidential Permit],” including “the environmental impacts upon Mexico.” 2017 WL 2988273**3-4.

These issues are addressed on pages 16-29 of plaintiffs’ Memorandum of Points and Authorities in Opposition to Federal Defendants’ Motion to Dismiss and TransCanada’s Motion to Dismiss (Dkt. 60).

Dated: August 15, 2017

PATTEN, PETERMAN, BEKKEDAHL &
GREEN, PLLC
s/ James A. Patten
JAMES A. PATTEN

Dated: August 15, 2017

LAW OFFICES OF STEPHAN C. VOLKER
s/ Stephan C. Volker
STEPHAN C. VOLKER (Pro Hac Vice)

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CERTIFICATE OF SERVICE

I hereby certify that on August 15, 2017, a copy of the foregoing
**PLAINTIFFS' SUPPLEMENTAL AUTHORITY IN OPPOSITION TO
DEFENDANTS' MOTIONS TO DISMISS** was electronically served on all
counsel of record via the Court's CM/ECF system.

s/ Stephan C. Volker
Attorneys for Plaintiffs
INDIGENOUS ENVIRONMENTAL NETWORK
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